

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2010-135)
Daniel C. Herren,)
APPELLANT.)
State Ethics Commission,)
APPELLATE.)
_____)

BEFORE THE STATE ETHICS COMMISSION

APPEAL ORDER

STATE ETHICS
COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a Motion to Reconsider, Set Aside Judgment and Suspend Garnishment filed by the attorney for and on behalf of the Appellant, pursuant to S.C. Code Ann. §8-13-320(10)(m)(Supp. 2012), to appeal the Decision and Order of the State Ethics Commission Hearing Panel issued December 13, 2010.

Present at the Appeal Hearing on September 18, 2013 were Commission members Phillip Florence, Jr., Chair, E. Kay Beirman Brohl, Richard H. Fitzgerald and Jonathan H. Burnett. George Carlton Manley was on the original hearing panel and recused. Documents previously filed and the record taken on July 17, 2013 were reviewed.

FACTS

On November 17, 2010, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2012), the State Ethics Commission Hearing Panel received testimony in the above-captioned complaint charging Respondent, Daniel C. Herren, with two violations of Section 8-13-1308. As a result, the Hearing Panel found the Appellant in violation of all charges, ordered the Appellant be publicly reprimanded, and levied a fine of \$4,000.00, in addition to the \$38,200.00 late filing penalty.

The Appellant seeks reconsideration of the finding and that the judgment be set aside and that the Commission suspend further garnishment. The Appellant amended his motion to request a return of the monies garnished. The Appellant testified that he closed the post office box after the election and did not receive correspondence regarding the incorrectly filed final campaign disclosure form. He didn't believe he needed to file any further documents because he had closed his campaign account.

DECISION

NOW, based on the information presented by the Appellant, the State Ethics Commission affirms the Hearing Panel's Decision and Order, but grants so much of the Motion that sets aside the judgment and suspends the garnishment.

FURTHER, the State Ethics Commission notes that failure to file the two campaign forms at issue is not an ethics violation, but rather a violation of the campaign finance law.

FINALLY, in accordance with Section 8-13-320(10)(m), this review is the final disposition of this matter before the State Ethics Commission.

IT IS SO ORDERED THIS 30th DAY OF October, 2013

STATE ETHICS COMMISSION


PHILLIP FLORENCE, JR.
CHAIRMAN

Columbia, South Carolina